



Stradley Ronon Stevens &amp; Young, LLP

Suite 2600

2005 Market Street

Philadelphia, PA 19103-7018

Telephone 215.564.8000

Fax 215.564.8120

[www.stradley.com](http://www.stradley.com)

Joseph T. Kelleher

[jkelleher@stradley.com](mailto:jkelleher@stradley.com)

215.564.8034

November 20, 2018

**VIA ECF**

Hon. Leda Dunn Wettre  
 United States Magistrate Judge  
 United States District Court for the  
 District of New Jersey  
 M. L. King, Jr. Federal Building & Courthouse  
 50 Walnut Street, Room 2060  
 Newark, NJ 07102

**Re:** *Nationwide Mutual Funds, et al. v. Perrigo Company plc, et al.,*  
No. 2:18-cv-15382 ("Nationwide")

Dear Magistrate Judge Wettre:

Together with Kessler Topaz Meltzer and Check, LLP, this firm represents the plaintiffs in the above-referenced action ("Nationwide"), which is coordinated for discovery purposes with *Roofers' Pension Fund v. Papa, et al.*, No. 2:16-cv-02805 (the "Class Action").<sup>1</sup> We write jointly on behalf of the plaintiffs in *Nationwide* (the "Nationwide Plaintiffs") and Defendants to seek approval of the discovery schedule and discovery coordination plan agreed to by the parties in the Individual Actions.

<sup>1</sup> *Nationwide*, together with *TIAA-CREF Investment Management, LLC, et al. v. Perrigo Company plc, et al.* (No. 2:18-CV-08175-MCA-LDW); *Harel Insurance Company, et al. v. Perrigo Company plc, et al.* (No. 2:18-CV-02074-MCA-LDW), *Carmignac Gestion, S.A. v. Perrigo Company plc, et al.* (No. 2:17-CV-10467-MCA-LDW), *First Manhattan Co. v. Perrigo Company plc, et al.* (No. 2:18-CV-02291-MCA-LDW), and *Manning & Napier Advisors, LLC v. Perrigo Company plc, et al.* (No. 2:18-CV-00674-MCA-LDW) are referred to as the "Individual Actions." The Individual Actions and the Class Action will be referred to collectively as the "Related Actions."

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Counsel for the plaintiffs in the other Individual Actions also have requested such approval by letter dated November 20, 2018.

### **Individual Actions Discovery Schedule and Discovery Coordination Plan**

The parties in the Individual Actions jointly seek the Court's approval of the following schedule and the discovery coordination plan. If the following proposed schedule and discovery coordination plan meet with Your Honor's approval, the parties respectfully request that it be so ordered.

#### **Individual Actions Discovery Schedule**

<b>FACT DISCOVERY</b>	<b>INDIVIDUAL ACTIONS' DEADLINE</b>
<i>Fed. R. Civ. P. 26(a)(1) disclosures</i>	<b>November 30, 2018</b>
<i>Fact discovery deadline</i>	<b>November 15, 2019</b>
<b>EXPERT DISCOVERY</b>	
<i>Affirmative expert reports</i>	Affirmative expert report(s) shall be served by the party bearing the burden of proof for a subject no later than <b>60 days</b> after affirmative expert reports are served by the party bearing the burden of proof in the Class Action.
<i>Rebuttal expert reports</i>	No later than <b>60 days</b> following the deadline to serve rebuttal expert reports in the Class Action.
<i>Reply expert reports</i>	No later than <b>60 days</b> following the deadline to serve reply expert reports in the Class Action.
<i>Expert depositions</i>	No later than <b>60 days</b> following the deadline for expert depositions in the Class Action.
<b>PRE-TRIAL AND TRIAL</b>	
<i>Dispositive motion deadline</i>	<b>TBD</b>
<i>Pre-trial conference</i>	<b>TBD</b>
<i>Trial</i>	<b>TBD</b>

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### **Individual Actions Discovery Coordination Plan**

1. The requests for production served on Defendants in the Class Action shall be deemed served in the Individual Actions, but with a relevant period of January 1, 2013 through May 22, 2017. The parties agree that Defendants' objections and responses shall likewise be deemed served in the Individual Actions, including any objections related to the relevant period. Also, Individual Action Plaintiffs agree not to serve additional document requests until after Defendants have made their first production of documents in response to the requests already served on them in the Class Action. To the extent that the Court in the Class Action sets a deadline for substantial completion of document production of documents responsive to the requests for production dated September 7, 2018 and served in the Class Action, that deadline shall govern production of those documents in the Individual Actions as well.

2. All discovery in any of the Related Actions will be deemed discovered in each of the actions, including non-party discovery to the extent the non-party agrees. Excluded from this agreement is any discovery (1) produced by current or former employees or agents of Lead Plaintiffs or Class Representatives; (2) solely and directly related to Lead Plaintiffs' or Class Representatives' investment decisions, standing, typicality or adequacy of representation; and (3) produced by the Individual Action Plaintiffs or any third-party related to the Individual Action Plaintiffs.

3. The Individual Action Plaintiffs will participate in any meaningful discussions between Defendants and the Class Action plaintiffs concerning discovery, including the meet and confer process and discussions related to scope and the parameters and process of electronic discovery.

4. Depositions taken in the Class Action shall be deemed taken in the Individual Actions, and the Individual Action Plaintiffs will be permitted to have a full right of participation in the fact witness depositions, including the opportunity to examine witnesses during the depositions (subject to coordination with Class counsel). The parties in the Related Actions have not agreed to the amount of time each witness will be required to sit for his or her deposition.

5. The interrogatories served on Defendants in the Class Action shall be deemed served in the Individual Actions. Likewise, Defendants' objections and responses to the interrogatories in the Class Action shall be deemed objections and responses in the Individual Actions. The parties also agree that the combined Plaintiffs in each Individual Action are provided five interrogatories in addition to the Class

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Action interrogatories and the combined Defendants in each Individual Action are limited to ten interrogatories in each Individual Action.

6. The Individual Action Plaintiffs and Defendants have not agreed to the number of depositions that each side in the Individual Action should be permitted to take in addition to the depositions in the Class Action. The parties agree that each side should be permitted to take a limited number of additional depositions, however, the precise number will be determined at a later date.

Thank you for your time and consideration.

Respectfully,



Joseph T. Kelleher

cc: All Counsel of Record (via ECF)

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The Nationwide Plaintiffs and Defendants, by their undersigned counsel, hereby agree to the foregoing Individual Actions Discovery Schedule and Individual Actions Discovery Plan.

By: /s/ Joseph T. Kelleher

Joseph T. Kelleher

STRADLEY RONON  
STEVENS & YOUNG, LLP  
Joseph T. Kelleher  
LibertyView  
457 Haddonfield Road, Suite 100  
Cherry Hill, NJ 08002  
(856) 321-2400  
jkelleher@stradley.com

Keith R. Dutil  
Marissa R. Parker  
Kyle A. Jacobsen  
2005 Market Street, Suite 2600  
Philadelphia, PA 19103  
(215) 564-8000

KESSLER TOPAZ  
MELTZER & CHECK LLP  
Darren J. Check  
David Kessler  
Matthew L. Mustokoff  
Joshua E. D'Ancona  
Michelle M. Newcomer  
Joshua A. Materese  
280 King of Prussia Road  
Radnor, PA 19087  
(610) 667-7706

By: /s/ Alan S. Naar

Alan S. Naar

GREENBAUM, ROWE,  
SMITH & DAVIS LLP  
Alan S. Naar  
99 Wood Avenue South  
Iselin, NJ 08830  
(732) 476-2530  
anaar@greenbaumlaw.com

FRIED, FRANK, HARRIS,  
SHRIVER & JACOBSON LLP  
James D. Wareham  
James E. Anklam  
801 17th Street, NW  
Washington, DC 20006  
(202) 639-7000

Samuel P. Groner  
One New York Plaza  
New York, NY 10004  
(212) 859-8000

*Attorneys for Defendant Perrigo Company plc*

*Attorneys for the Nationwide Plaintiffs*

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By: /s/ Marshall R. King  
Marshall R. King

GIBSON, DUNN & CRUTCHER LLP  
Reed Brodsky  
Aric H. Wu  
Marshall R. King  
200 Park Ave  
New York, NY 10166  
(212) 351-4000

*Attorneys for Defendant Joseph C. Papa*

By: /s/ Brian T. Frawley  
Brian T. Frawley

SULLIVAN & CROMWELL LLP  
John L. Hardiman  
Brian T. Frawley  
Michael P. Devlin  
125 Broad Street  
New York, NY 10004  
(202) 558-4000

*Attorneys for Defendant Judy L. Brown*

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THE COURT HEREBY ORDERS, this 26<sup>th</sup> day of November 2018, that:

1. the foregoing Individual Actions Discovery Schedule is APPROVED, and
2. the foregoing Individual Actions Discovery Plan is APPROVED.

Leda D. Wettre

Hon. Leda Dunn Wettre  
United States Magistrate Judge

